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CLERK U.S. DISTRICT COURT

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL COMPLAINT

Your affiant, Special Agent Kristen Ashby of the Federal Bureau of Investigation (hereinafter FBI), being duly sworn, hereby deposes and states the following:

2:16mj524

INTRODUCTION

This affidavit is submitted in support of an application for a criminal complaint against Lionel Nelson WILLIAMS, a/k/a “Harun Ash-Shababi” (hereinafter WILLIAMS). FBI agents arrested WILLIAMS on Wednesday, December 21, at approximately 12:58 p.m., based on probable cause that he had committed the crime listed in requested criminal complaint.

1. Based on my training and experience, and the facts contained below, your affiant submits there is probable cause to believe that WILLIAMS knowingly attempted to provide material support and resources to a designated foreign terrorist organization, to wit, the Islamic State of Iraq and the Levant (ISIL), including but not limited to currency and monetary instruments, knowing that the organization is a designated terrorist organization, that the organization has engaged or engages in terrorist activity, or that the organization has engaged or engages in terrorism, in violation of Title 18, United States Code, Section 2339B(a)(1).

2. I am a Special Agent of the FBI and have been employed with the FBI since 1995. I am currently assigned to a counterintelligence squad to investigate national security matters. I was previously assigned to a Joint Terrorism Task Force (JTTF) within the FBI’s Norfolk Field Office. I have participated in numerous criminal, counterintelligence and counterterrorism investigations, during the course of which I have conducted physical surveillance, executed court authorized arrest and search warrants and used other investigative techniques to secure relevant information regarding various crimes. I am a member of the

investigative team on this investigation. The facts set forth in this affidavit are based upon my personal knowledge, my training and experience, and information obtained from various FBI Special Agents, Task Force Officers, witnesses, reports, and other sources. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance and in part only, and are not intended to be a verbatim recitation of such statements.

3. Since this affidavit is being submitted for the limited purpose of obtaining a criminal complaint, it does not include each and every fact observed by me or known to the government. I have set forth only those facts necessary to support a finding of probable cause.

THE ISLAMIC STATE OF IRAQ AND THE LEVANT

4. On October 15, 2004, the United States Secretary of State designated Al-Qaeda in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under section 1(b) of Executive Order 13224.

5. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (ISIL) as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al'Sham (ISIS), the Islamic State of Iraq and Syria (ISIS), ad-Dawla al'Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. In an audio recording publically released on June 29, 2014, ISIL announced a formal change of ISIL's name to the Islamic State (IS). On or about September

21, 2014, now-deceased ISIL spokesman Abu Muhammad al-Adnani called for attacks against citizens – military or civilian – of the countries participating in the United States-led Coalition against ISIL. On September 21, 2015, the Secretary added the following aliases to the ISIL listing: Islamic State, ISIL, and ISIS. To date, ISIL remains a designated FTO.

THE DEFENDANT

6. WILLIAMS is a United States citizen who was born in Arlington County, Virginia. WILLIAMS resides at [REDACTED], Suffolk, Virginia, 23437, within the Eastern District of Virginia.

RELEVANT LAW

7. I am advised that Title 18, U.S.C., Section 2339B – Providing material support or resources to designated foreign terrorist organizations – provides in pertinent part:

(a) Prohibited activities. – (1) Unlawful conduct. – Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 20 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

I am also advised that, Title 18 U.S.C. Section 2339A(b)(1) provides, in pertinent part:

The term “material support or resources” means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials.

Background of the Investigation and Statement of Probable Cause

8. In or around late March, 2016, a member of the public advised the FBI that a former associate, later identified as WILLIAMS, had recently been posting ISIL videos and content about the support of ISIL on WILLIAMS' Facebook page. The complainant also stated that the WILLIAMS had recently acquired an AK-47 assault rifle. The complainant provided partial identifying information for WILLIAMS and provided FBI with information about the Facebook account showing the ISIL postings.

9. FBI review of the publicly viewable Facebook page and subsequent investigation revealed that WILLIAMS was the user of the Facebook account, which at that time had the username of Harun Ash-Shababi and an account number of [REDACTED]. FBI review of the account revealed that on or about March 14, 2016, WILLIAMS posted: "The Jihad (the struggle) doesn't end just because it stops feeling good." WILLIAMS included a video of a lecture by Anwar al-Awlaki in this post. Awlaki is known to your affiant to be a reference to now deceased Al-Qaeda in the Arabian Peninsula member and leader Anwar al-Awlaki (Awlaki).

10. On or about March 16, 2016, WILLIAMS posted on his Facebook page: "It's time for me to take a stand. I stand with #Dawlah¹. If that means you want nothing to do with me, then fine." Your affiant assesses that WILLIAMS pledged his allegiance to ISIL with this post.

11. On or about March 20, 2016, WILLIAMS shared a video posted by someone else and commented, "I love this video. I love the Mujahideen² the world over. Youtube/Facebook

¹ "Dawlah" is an Arabic term that means "state." Your affiant is aware that ISIL members and supporters refer to ISIL as "Dawlah," which is short for Dawla al Islamiya, or Islamic State.

² "Mujahedeen" is an Arabic term for Islamic fighters engaged in jihad.

had the gall to delete it sometime ago, but somehow it's been remade/reuploaded. Allahu Akhbar!" The video contained the watermark of al-Hayat, known to your affiant to be ISIL's Western-focused official media arm. FBI review of the video revealed a speaker who condemned Muslims who sided with Western states and Muslims who did not provide support for the Mujahideen.

12. On or about March 21, 2016, WILLIAMS "liked" a post by another Facebook user that stated: "The lone wolf attacks are more beloved to us than the martyrdom operations, For the impact of the lone wolf attacks in the lands of the enemy cause more terror in their hearts and give them a taste of the havoc they rain upon our families in different Muslim lands! #KillThemWhereverYouFindThem".³ On or about March 21, 2016, WILLIAMS posted a comment in response to this post that expressed his support for the targeting of police officers, military, and armed civilians.

13. A query of the Commonwealth of Virginia Department of State Police Firearms Transactions Log revealed that WILLIAMS purchased a weapon on or about December 12, 2015. Subsequent investigation and interviews determined that WILLIAMS ordered an AK-47 assault rifle from an online firearms dealer on December 3, 2015. Your affiant notes that this is the day after the terror attack in San Bernardino, California. The weapon was shipped to a firearms dealer in Suffolk, Virginia, where WILLIAMS picked it up on or about December 12, 2015. During the course of the investigation, FBI agents learned that WILLIAMS kept the AK-47 on the dresser in his bedroom.

³ Quoted language is recited verbatim, and includes any typographical errors included in the original communication.

14. On or about January 13, 2016, an unidentified person near Williams' residence called the Suffolk Police Department to complain of hearing gunshots, and stated that he/she also had heard gunshots during the past several afternoons. Investigation by the Suffolk Police Department revealed that WILLIAMS had been target practicing in a field near his residence. In addition, on or about April 25, 2016, FBI aerial surveillance observed two individuals depart WILLIAMS' residence and walk to a nearby series of outbuildings on the property believed by your affiant to be owned and maintained by WILLIAMS and his family. The infrared video then captured what appeared to be muzzle-flashes consistent with individuals firing guns.

15. In late April, 2016, an FBI controlled persona (Persona-1) "friended" WILLIAMS on Facebook. On or about May 16, 2016, Persona-1 told WILLIAMS he/she would be in the Baltimore, MD, area for Ramadan. WILLIAMS informed Persona-1 that he would be in the Washington, DC, area and that they may be able to meet. On May 16, 2016, in a Facebook private message conversation, WILLIAMS told Persona-1: "I can't wait for the day that the black flag of Islam exists all over Maryland, D.C., Virginia, and Chicago."

16. On or about June 13, 2016, WILLIAMS met with an FBI Undercover Employee (UCE).⁴ During this meeting, WILLIAMS stated that he supports attacks on "hard targets." Based on his electronic communications with Persona-1, your affiant believes "hard targets" means police officers, military targets, and other targets that have the ability to defend themselves. WILLIAMS stated that if he were to conduct an attack, he would target someone who could fight back. WILLIAMS claimed that he had not carried out an attack because his grandmother is still alive and he needs to care for her.

⁴ Unless otherwise noted, all in-person and telephonic interactions between WILLIAMS and the UCE were consensually recorded.

17. During the course of the investigation, in addition to using an encrypted messaging application, WILLIAMS used four additional Facebook accounts to communicate with Persona-1 and/or make postings visible to Persona-1 about his interest in supporting ISIL. From on or about May 7, 2016, to on or about June 3, 2016, WILLIAMS used Facebook account [REDACTED]. From on or about July 16, 2016, to on or about October 11, 2016, WILLIAMS used Facebook account [REDACTED]. From on or about September 18, 2016, to on or about November 13, 2016, WILLIAMS used Facebook account [REDACTED]⁵. From on or about November 22, 2016, to November 27, 2016, WILLIAMS used Facebook account [REDACTED].⁵ Additionally, WILLIAMS recently used Facebook account [REDACTED] to send Persona-1 a “friend” request.

18. On or about August 23, 2016, in a telephonic conversation with the UCE, WILLIAMS told the UCE that the “kufar”⁶ were “leaving him alone right now because they don’t think I’m a threat, but I am a threat.”

19. During that call, WILLIAMS used a mobile telephone with the number [REDACTED]. Before the June 13, 2016, meeting with the UCE, he used the same phone number to send text messages to the UCE. On or about August 4, 2016, in a Facebook private message, WILLIAMS described his phone to Persona-1 as a “flip phone.”

20. In or about August 2016, Persona-1 offered to provide WILLIAMS with a “smartphone” mobile device so that they could communicate on an encrypted messaging application. WILLIAMS accepted Persona-1’s offer and was mailed a Samsung smartphone.

⁵ WILLIAMS used this Facebook account to make contact with Persona-1 and to request that Persona-1 engage in conversations with him over an encrypted messaging application.

⁶ “Kufar” is an Arabic term that means nonbeliever. As used in this context, your affiant believes it refers to U.S. law enforcement personnel.

21. On or about September 12, 2016, in a conversation with Persona-1 on an encrypted messaging application, WILLIAMS told Persona-1 that “the advent of Dawlah really gave my life a place and a purpose. It’s a home and example for the ummah.”⁷

22. On or about September 14, 2016, in a conversation with Persona-1 on an encrypted messaging application, in response to a question about what WILLIAMS believed his role would be, WILLIAMS stated that he desires “to be a doctor/surgeon for my ummah and the Mujahideen.” During the course of the investigation, WILLIAMS had also expressed a desire to help “widows and orphans.” Persona-1 informed WILLIAMS that s/he was collecting money to help “our Dawlah brothers,” i.e., the Islamic State, and WILLIAMS agreed to contribute money. WILLIAMS asked whether the money would go to help “Poor Brothers” in need of charity. Persona-1 specified that in fact the money would be going to “the lions of Mosul”; a phrase used to describe ISIL fighters in Mosul, a city in Iraq then under the control of ISIL.

23. On or about September 24, 2016, in a conversation with Persona-1 on an encrypted messaging application, WILLIAMS expressed his excitement to see Persona-1 in person and to contribute. WILLIAMS stated “I am getting very excited. Indeed to do this for my Deen and my umma.⁸ I don’t want to be like the ones who scream and chant but the end of the day, they are nothing but kittens.”

24. On or about October 8, 2016, the UCE met WILLIAMS in Hampton Roads, Virginia. During the face-to-face meeting, WILLIAMS pulled a pistol from his waistband and secured it in the glove compartment of the vehicle he was driving. During that meeting, the UCE

⁷ “Ummah” is an Arabic term that means “Nation”; as used in this context, your affiant understands it to mean the worldwide community of Muslims.

⁸ Your affiant understands the phrase “for my Deen and my umma” to mean, in sum and substance, “for my religion and my nation.”

explained that WILLIAMS could only contribute if he knew where the money was going. The UCE stated that the money was “going to the Islamic State. You understand this. And it’s going to kill people, do you understand?” The UCE additionally specified that the money was going to the “lions of Mosul.” The UCE provided WILLIAMS with contact information for an individual who was purportedly an ISIL financier and whom WILLIAMS believed was collecting money for ISIL. In fact, the individual was an FBI controlled persona (Persona-2)⁹ that WILLIAMS could contact using an encrypted messaging application.

25. On or about October 10, 2016, WILLIAMS contacted Persona-2, whose contact information the UCE had supplied him with, and provided Persona-2 with the account information that would allow Persona-2 to access the funds on a \$200 prepaid cash card that WILLIAMS had obtained. Bank records from WILLIAMS obtained during the investigation showed that WILLIAMS had limited monetary means during this time period.

26. On or about October 17, 2016, in a conversation with Persona-1 on an encrypted messaging application, Persona-1 asked WILLIAMS if he wanted to see what his money helped purchase. Persona-1 sent WILLIAMS a picture of what appeared to be a Rocket Propelled Grenade (RPG). WILLIAMS responded “Alhamdulilah wa AllahuAkhbar :),” which the affiant believes to mean *Praise God and God is great*. Immediately afterwards, Williams stated, “I’m gonna destroy this message then hit you back.” Your affiant believes WILLIAMS attempted to

⁹ The electronic communications of Persona 1 and Persona 2 were controlled by the same FBI employee. Your affiant has reason to believe that this FBI employee was interviewed by FBI agents in 2012 on an unrelated matter and asked if the FBI employee had improperly disclosed information to a third party. The FBI employee initially denied disclosing the information but, after being confronted with additional evidence, the employee immediately admitted the disclosure. Your affiant also states that all of the communications between WILLIAMS and the FBI employee in question were electronic and, therefore, recorded.

use a feature in the encrypted messaging application to destroy the message he had received about the RPG.

27. On or about October 30, 2016, during a conversation between WILLIAMS and Persona-1 on an encrypted messaging application, Persona-1 informed WILLIAMS that s/he was currently physically in territory controlled by ISIL and was trying to purchase 10,000 rounds of AK-47 ammunition and 50 magazines. WILLIAMS inquired how much that amount of ammunition would cost in the territory controlled by ISIL and stated he would try to help.

28. On or about November 3, 2016, in a conversation with Persona-1 on an encrypted messaging application, WILLIAMS agreed to send money that he believed would help purchase ammunition for ISIL fighters. Persona-1 sent WILLIAMS the name of an individual in the Middle East to whom WILLIAMS should send the money to facilitate Persona-1 purchasing ammunition for ISIL, as they had discussed. The same day, WILLIAMS sent \$50.00 using an electronic transfer service to the individual in the Middle East whose contact information Persona-1 had provided. WILLIAMS then sent Persona-1 the details of that transaction using an encrypted messaging application. In fact, the money did not go to an individual in the Middle East and is being held for seizure by the United States.

29. During the course of the investigation, WILLIAMS discussed at various times with Persona-1 the feasibility and desirability of conducting “martyrdom operations.” WILLIAMS stated that he was unsure whether his intentions were “pure” enough such that, if he carried out a violent act resulting in his death—*i.e.*, a “martyrdom operation”—his death would be considered a martyrdom rather than a suicide. Starting in or around the last week of November 2016, WILLIAMS told Persona-1 about a possible marriage arrangement with a woman residing outside of the United States; he discussed the possible marriage arrangement

and his belief that such an arrangement would ensure his “purity” such that any martyrdom operation he carried out would lead to his true martyrdom, rather than simply his suicide.

30. On or about December 19, 2016, WILLIAMS wrote to Persona-1 that, “After the Sister desired to marry me, it made my life worth living.. so I was able to safely make the intention in my heart to go forth. In’shaa’Allah it will be very soon. I’ve been preparing. I need to be married first.” WILLIAMS wrote to Persona-1 that, “After I marry and I acquire all my tools I’ll be going forth in’shaa’Allah, with or without.” In a message to Persona-1 later the same day, WILLIAMS stated that “[t]he next time I see her¹⁰ will be in Jannah, in’shaa’Allah.” Your affiant understands “Jannah” to be an Arabic term for “heaven.”

31. During the same conversation, WILLIAMS told Persona-1 that Persona-2 had contacted him recently. WILLIAMS told Persona-1 that he planned to “empty some of my money towards the cause before I go, in’shaa’Allah.” He continued explaining his plan to, in sum and substance, die without a single dollar in his pocket. During the same conversation, Persona-1 asked WILLIAMS whether his plan for an operation was “for a local.” WILLIAMS responded in the affirmative, stating that that was “[t]he only way.” Your affiant believes that, in making these statements, it appears that WILLIAMS was moving closer to committing an attack that would result in his death.

32. On December 21, 2016, the FBI secured search warrants for WILLIAMS’ house, computer(s), phones, and Facebook accounts.

33. At approximately 12:58 p.m., on December 21, 2016, FBI agents arrested WILLIAMS in Suffolk, Virginia.

¹⁰ *I.e.*, his intended wife.

34. On the afternoon of December 21, 2016, FBI agents began to execute the search warrant previously issued for WILLIAMS' residence. Agents located two firearms, one semi-automatic handgun and one AK-47 semi-automatic rifle, inside the residence.

CONCLUSION

35. Based on the above, your affiant submits there is probable cause to believe WILLIAMS, in the Eastern District of Virginia, knowingly attempted to provide material support and resources, including but not limited to currency and monetary instruments, to the designated foreign terrorist organization ISIL, knowing that ISIL is a designated foreign terrorist organization, that ISIL has engaged or engages in terrorist activity, or that ISIL has engaged or engages in terrorism in violation of Title 18, United States Code, Section 2339B.

36. Accordingly, your affiant respectfully asks that the Court issue the requested criminal complaint.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

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Kristen Ashby
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to me this ____ day of December, 2016.

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United States Magistrate Judge